

Sixth Appellate District

San Jose, California

MONDAY, JANUARY 31, 2005

H026115 PEOPLE v. PERCELLE

The judgment is modified to strike the one-year enhancement imposed in connection with Santa Clara County case No. 104096 and to strike the order for restitution to Tom Spade in the amount of \$3,989.32. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment and forward a copy of the amended abstract to the Department of Corrections.

(published)

(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Walsh, J.*)

Filed January 31, 2005

(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026911 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed January 31, 2005

H026026 PEOPLE v. UMBLE

H027197 PEOPLE v. UMBLE

By the Court*:

Appellant's petition for rehearing is denied.

Filed: January 31, 2005

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H026049 PEOPLE v. CARRASCO

The matter is remanded for resentencing in accordance with the views expressed in this opinion. The judgment is otherwise affirmed. (not published)

(Elia, Acting P.J.; We concur: Bamattre-Manoukian, J., McAdams, J.)

Filed January 31, 2005

H028011 In re MOSES A.; DFCS v. MONIQUE H.

The cause herein is ordered submitted.

Dated: January 31, 2005 RUSHING, P.J.

Sixth Appellate District

San Jose, California

TUESDAY, FEBRUARY 1, 2005

H027787 PEOPLE v. SETTLE

The judgment is affirmed. (not published)
(Walsh, J.*; We concur: Rushing, P.J., Premo, J.)
Filed February 1, 2005
(*Judge of the Santa Clara County Superior Court assigned by the
Chief Justice pursuant to article VI, section 6 of the California
Constitution.)

H026086 PEOPLE v. CASTILLO

The judgment is affirmed. (not published)
(Walsh, J.*; We concur: Premo, Acting P.J., Bamattre-Manoukian,
J.)
Filed February 1, 2005
(*Judge of the Santa Clara County Superior Court assigned by the
Chief Justice pursuant to article VI, section 6 of the California
Constitution.)

H027520 PEOPLE v. CRUM

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams,
J.)
Filed February 1, 2005

WEDNESDAY, FEBRUARY 2, 2005

H026853 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)
(Premo, J.; I concur: Rushing, P.J.; Dissenting opinion by
Mihara, J.)
Filed February 2, 2005

H026559 PEOPLE v. WILKS

The judgment is reversed. (not published)
(Mihara, J.; We concur: Rushing, P.J., Premo, J.)
Filed February 2, 2005

Sixth Appellate District

San Jose, California

THURSDAY, FEBRUARY 3, 2005

H025957 KEPHART v. FLEXTRONICS INTERNATIONAL LTD., et al.

The judgment is reversed with directions to set aside the order granting summary judgment and issue in its place an order granting judgment on the pleadings with leave to amend.

Appellant will recover her costs on appeal. (not published)

(Rushing, P.J.; I concur: McAdams, J.; Concurring and dissenting opinion by: Mihara, J.)

Filed February 3, 2005

H025651 PEOPLE v. KILLMAN

By the Court:

The submission order dated November 8, 2004, is hereby ordered vacated. The court having received information from appellant's counsel that the appellant is deceased, the appeal will be abated upon receipt of a certified copy of the death certificate.

Dated: February 3, 2005

Mihara, Acting P.J.

H026360 CARMEL DEVELOPMENT COMPANY v. RLI INSURANCE COMPANY;
FIREMAN'S FUND INSURANCE COMPANY

By the Court:

The opinion which was filed on January 12, 2005, is certified for publication. (Elia, Acting P.J.; Bamattre-Manoukian, J., McAdams, J.)

The written opinion which was filed on January 12, 2005, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is therefore ordered that the opinion be published in the official reports.

Filed February 3, 2005

Elia, Acting P.J.

FRIDAY, FEBRUARY 4, 2005

H026953 PEOPLE v. OSIO

H026747 Marriage of MINARD

H027538 PEOPLE v. BADILLO

H027006 PEOPLE v. SOVA, JR.

H027500 PEOPLE v. FERNANDEZ

H026781 CHRISTIAN v. STATE OF CALIFORNIA DEPARTMENT OF
CORRECTIONS

H027384 BROWN v. YOUNG, et al.

H027549 BROWN v. HUNTOON, et al.

The cause herein is ordered submitted.

Dated: February 4, 2005

RUSHING, P.J.

Sixth Appellate District

San Jose, California

Friday, February 4, 2005 (continued)

H027604 PEOPLE v. ZARCO
H027120 PEOPLE v. RUIZ
H026465 PEOPLE v. BROUSSARD
H027591 NGUYEN-PLECQ v. NGUYEN
H027350 PEOPLE v. BENNETT
H027689 PEOPLE v. MANSFIELD

The cause herein is ordered submitted.

Dated: February 4, 2005 BAMATTRE-MANOUKIAN, Acting P.J.

H025573 PEOPLE v. SOLORIO

The judgment of conviction on count 1 is reversed. The matter is remanded to the trial court for resentencing on the remaining counts, striking the 10-year enhancements imposed pursuant to Penal Code section 186.22, subdivision (b)(1)(C) on counts 5 and 7, staying the three-year enhancement imposed pursuant to Penal Code section 12022.7, subdivision (a) on count 11, and to reconsider the sentence in light of these modifications. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed February 4, 2005

H027834 PEOPLE v. CHEATHAM, JR.

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; I concur: McAdams, J.;

Dissenting opinion by Mihara, J.)

Filed February 4, 2005

H027086 IN RE ISIDRO DeLUNA ON HABEAS CORPUS

The case is remanded to the trial court to modify its order granting defendant's petition for habeas corpus and remanding the matter to the Board to reconsider its decision and to conduct a new hearing to reconsider defendant's suitability for parole using, without restriction, the factors deemed appropriate by the relevant statutes and regulations and in accordance with the requirements of due process. As so modified, the order is affirmed. (published)

(Walsh, J.*; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed February 4, 2005

(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

Sixth Appellate District

San Jose, California

Friday, February 4, 2005 (continued)

H025403 PEOPLE v. LI

The judgment is reversed, and the matter is remanded for resentencing. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed February 4, 2005

H027534 PEOPLE v. RAYMUNDO

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed February 4, 2005